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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: )  
 )  
 Birger E. Sorensen ) Examiner: Unassigned  
 )  
 Title: NITS SEPARATOR )  
 )  
 Serial No.: 09/743,589 ) Group Art Unit: 1731  
 )  
 Filed On: January 11, 2001 ) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, March 18, 2003

Box PCT  
 Assistant Commissioner of Patents  
 Washington, D.C. 20231

PETITION TO OBTAIN EARLIER DATE OF RECEIPT OF 35 U.S.C. § 371(c)(1), (c)(2)  
AND (c)(4) REQUIREMENTS, AND DATE OF RECEIPT OF ALL 35 U.S.C.  
REQUIREMENTS

S I R:

This is a Petition to obtain an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements in the above-identified patent application. The date of receipt under 35 U.S.C. § 371 is that date which a patent issuing from the above-identified patent application can be used as 35 U.S.C. § 102(e) prior art.

Attached hereto is a Declaration by Marina Cunningham, attorney of record in the above-identified matter, stating the facts as they are known to her in support of the above-identified Petition.

Applicant also attaches numerous Status Requests mailed to the U.S. Patent and Trademark Office (PTO).

Also attached hereto is a copy of a Petition to Withdraw Holding of Abandonment, and a copy of a Declaration of Marina F. Cunningham in Support of Petition to Withdraw Holding of Abandonment. Copies of the earlier filed Petition and accompanying Declaration are submitted herewith to set forth in detail the delays caused by the PTO with respect to initiating the examination of the above-identified patent application.

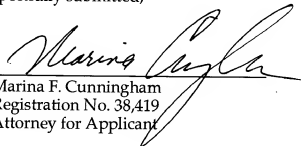
Applicant also attaches a Decision on Petition indicating that the original Notification of Missing Requirements was still in the PTO file, and thus was never sent to Applicant. The PTO's failure to send Applicant the Notification of Missing Requirements directly resulted in an unusually late Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements, thus in effect punishing Applicant in his ability to use a patent issuing in this case as 35 U.S.C. § 102(e) prior art.

Accordingly, Applicant respectfully requests that an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements be secured in accordance with the situation where Applicant would have timely received and thereby promptly responded to the Notification of Missing requirements.

No fee is believed to be due for filing this Petition. However, if it is determined that a fee is required, please charge Deposit Account No. 13-0235.

Respectfully submitted,

By

  
Marina F. Cunningham  
Registration No. 38,419  
Attorney for Applicant

McCormick, Paulding & Huber LLP  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-3402  
(860) 549-5290